



THE COMMONWEALTH OF MASSACHUSETTS
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MICHAEL J. SULLIVAN
DIRECTOR

March 4, 1996
AO-96-08

Senator Charles E. Shannon
State House - Room 421
Boston, MA 02133

Re: Travel Expenditures

Dear Senator Shannon:

This letter is in response to your February 5, 1996 request for an advisory opinion regarding the use of campaign funds to pay expenses associated with your attending a conference in Key West, Florida.

Question

You have stated that you agreed to be a panelist at the 1996 annual School Transportation Association of Massachusetts ("STAM") convention in Key West, Florida, on February 19 and 20, 1996.¹ You agreed to conduct two panels that discussed present and past legislation regarding the lessening of safety requirements for the school transportation industry now and in the future. You have asked whether expenditures made in connection with this conference may be paid for by your political committee.

Answer

For the reasons which follow, the expenses associated with your attending the conference, including air fare, lodging and meals, may be paid for using campaign funds provided such expenditures are not made primarily for "personal use." The primary reason for making the expenditures must be your attendance at the conference.

Discussion

M.G.L. c. 55, s. 6 states that a political committee may:

expend money or other things of value for the enhancement of the political future of the candidate . . . so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures . . . (Emphasis added).

¹ As this opinion could not be prepared prior to your trip, I understand that you attended the conference and paid for all expenses using your own funds. To the extent allowable, you would like to be reimbursed by your political committee.

The regulations issued by this office pursuant to section 6 state that expenditures are not for "personal use" if made for "reasonable travel and related expenses for a candidate . . . in connection with meetings, conferences or conventions, provided that the issues with which any such meeting, conference or convention is concerned are within the scope of that person's direct and substantial responsibilities as a candidate or agent of the committee, and whose subject matter is related to . . . substantive issues which are directly related to the campaign of a candidate." See 970 CMR 2.05(2)(1). In addition, the regulations provide that reasonable travel expenses may be paid using campaign funds "in connection with functions or activities where the candidate's participation is important to political relations with his constituents or contributors, provided that the primary interest in participating in the event is for the enhancement of the political future of the candidate." See 970 CMR 2.06(3)(d).

It should be noted that the regulations were drafted prior to the enactment of section 379 of Chapter 133 of the Acts of 1922, which excluded, from the definition of "personal use" expenditures "relating to the provision of constituent or legislative services." The amendment to section 6 recognizes that a candidate who is also an incumbent office holder may use campaign funds for matters which relate to official duties required of the office holder, but which also enhance the candidate's political future. Therefore, to the extent the conference relates to the provision of constituent or legislative services, reasonable expenditures incurred in connection with the conference may appropriately be made by your campaign committee. See AO-95-40.

We understand that you attended the conference to enhance your knowledge of issues relating to school transportation legislation, including pending legislation. You also attended the conference to share your knowledge and experience with others in attendance. Participation in the conference enhanced your ability to provide legislative services since you are involved in furthering legislation relating to school transportation issues. Therefore, payment of reasonable costs incurred in traveling to and from the conference, registration fees, lodging meals, and other reasonable expenses incurred to attend the conference, are allowable expenditures.

Such expenditures are allowable, however, only to the extent they are associated with attending the conference. Any expenditures which were not associated with the conference and which were primarily personal may not now be reimbursed by your political committee. Therefore, if you arrived in Key West early or remained after the conclusion of the conference for primarily personal reasons (e.g., a vacation) then meals, lodging or other expenditures associated with the vacation may not now be reimbursed with campaign funds.

If you remained in Key West after the conclusion of the conference, your purchase of return air fare may be reimbursed by your political committee, if the principle motivation for

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making the trip was to attend the conference. If you extended your stay for personal reasons, resulting in additional air fare, you may not be reimbursed for such additional costs.

As with all expenditures, accurate records must be maintained by your committee.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c. 55. Please do not hesitate to contact the office if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a horizontal line.

Michael J. Sullivan
Director

MJS/cp